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## **MINUTES OF COUNCIL STUDY MEETING – APRIL 15, 2008**

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THE WEST VALLEY CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, APRIL 15, 2008, AT 4:30 P.M., IN THE MULTI-PURPOSE ROOM, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

### **THE FOLLOWING MEMBERS WERE PRESENT:**

Dennis J. Nordfelt  
Russ Brooks  
Carolynn Burt  
Joel Coleman  
Corey Rushton  
Steve Vincent  
Mike Winder (Arrived as noted)

Paul Isaac, Acting City Manager  
Sheri McKendrick, City Recorder

### **STAFF PRESENT:**

John Evans, Fire Chief  
Joseph Moore, CED Director  
Layne Morris, Community Preservation Director  
Kevin Astill, Parks and Recreation Director  
Russell Willardson, Public Works Director  
Mike Wells, Acting Police Chief  
Nicole Cottle, Acting City Attorney  
Ken Olsen, Acting Finance Director  
Aaron Crim, Administration  
Russ Bailey, Public Works Department

#### **1. APPROVAL OF MINUTES OF STUDY MEETING HELD APRIL 1, 2008**

The Council read and considered the Minutes of the Study Meeting held April 1, 2008. There were no changes, corrections or deletions.

After discussion, Councilmember Burt moved to approve the Minutes of the Study Meeting held April 1, 2008, as written. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes

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Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

2. **DON WHITE, ZIONS SECURITIES – LAKE PARK UPDATE**

Acting City Manager, Paul Isaac, stated Don White, Zions Securities, was unable to attend their meeting and directed the City Recorder to reschedule this item.

3. **REVIEW AGENDA FOR REGULAR MEETING SCHEDULED APRIL 15, 2008**

Acting City Manager, Paul Isaac, stated no new items had been added to the Agenda for the Regular Council Meeting scheduled April 15, 2008, at 6:30 P.M.

Upon inquiry, an item listed on the Agenda for a Special Regular Redevelopment Agency Meeting scheduled on the above stated date, was reviewed and discussed as follows:

**Item No. 4. A. – RESOLUTION NO. 08-09, A RESOLUTION OF THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY OF WEST VALLEY CITY, UTAH, AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN \$6,200,000 AGGREGATE PRINCIPAL AMOUNT OF ITS TAX INCREMENT REVENUE BONDS, SERIES 2008; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE, THE MAXIMUM INTEREST RATE WHICH THE BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE BONDS MAY BE SOLD; PROVIDING FOR THE PUBLICATION OF A NOTICE OF BONDS TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS**

Acting City Manager, Paul Isaac, discussed proposed Redevelopment Agency Resolution No. 08-09 which would authorize the issuance and sale of not more than \$6,200,000 aggregate principal amount of its Tax Increment Revenue Bonds, Series 2008; fix the maximum aggregate principal amount of the bonds, the maximum number of years over which the bonds may mature, the maximum interest rate which the bonds may bear, and the maximum discount from par at which the bonds may be sold; provide for the publication of a Notice of Bonds to be Issued; provide for the running of a contest period; and related matters.

Mr. Isaac stated the Redevelopment Agency had determined it would further its public purposes to issue not more than \$6,200,000 of tax increment revenue bonds to be designated Redevelopment Agency of West Valley City, Utah, Tax Increment Revenue

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Bonds, Series 2008 to provide funds to (1) finance the cost of acquiring various properties within the City Center Redevelopment Project Area (the Project); (2) fund a debt service revenue fund, if necessary; and (3) pay costs associated with the issuance of the bonds.

The Acting City Manager reported Section 17C-1-504 of the Redevelopment Act provided for the publication of a Notice of Bonds to be issued thereby initiating the running of a contest period, and the Agency desired to publish such a notice at this time in compliance with the Redevelopment Act with respect to the bonds. He stated pursuant to the Redevelopment Plan and the Redevelopment Act, the Agency anticipated receiving certain tax increment revenues with respect to the Redevelopment Project Area and the Agency desired to pledge such tax increment revenues to the payment of the bonds issued. He indicated the bonds would be issued pursuant to an Indenture of Trust dated April 1, 2008, by and between the issuer and a bank trustee, and a final bond resolution, in substantially the form before the Board at the time of adoption of the proposed Resolution.

Acting City Manager, Paul Isaac, and CED Director, Joseph Moore, and Acting City Attorney, Nicole Cottle, answered questions regarding the proposed Resolution.

The Redevelopment Agency Board will consider proposed Resolution No. 08-09 at the Special Regular Redevelopment Agency Meeting scheduled April 15, 2008, at 6:30 P.M., or as soon thereafter as the City Council has completed its Study Meeting.

Councilmember Winder arrived at the meeting at 4:32 P.M.

Upon inquiry by Acting City Manager, Paul Isaac, there were no further questions regarding items on the Regular Council Meeting Agenda Meeting scheduled April 15, 2008, at 6:30 P.M.

#### **4. AWARDS, CEREMONIES AND PROCLAMATIONS SCHEDULED APRIL 22, 2008:**

##### **A. PROCLAMATION DECLARING THE FOURTH SATURDAY OF APRIL AS ARBOR DAY IN WEST VALLEY CITY**

Acting City Manager, Paul Isaac, stated Councilmember Rushton would read a Proclamation Declaring the Fourth Saturday of April as Arbor Day in West Valley City, at the Regular Council Meeting scheduled April 22, 2008, at 6:30 P.M.

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**B. PRESENTATION OF *ESSENTIAL PIECE* RECOGNITION AWARD TO LOUISE B. TEW**

Acting City Manager, Paul Isaac, stated Councilmember Burt would present an *Essential Piece* recognition award to Louise B. Tew at the Regular Council Meeting scheduled April 22, 2008, at 6:30 P.M.

**C. PRESENTATION OF *MAYOR'S STAR OF EXCELLENCE AWARDS* TO STUDENTS FROM CYPRUS, GRANGER AND HUNTER HIGH SCHOOL STUDENTS**

Acting City Manager, Paul Isaac, stated each Councilmember would present some awards regarding the *Mayor's Star of Excellence Awards* program, at the Regular Council Meeting scheduled April 22, 2008, at 6:30 P.M.

**D. TIMOTHY J. FUHRMAN, FBI SPECIAL AGENT IN CHARGE – RECOGNITION OF DETECTIVE TRUDY CROPPER, POLICE DEPARTMENT**

Acting City Manager, Paul Isaac, stated FBI Special Agent in Charge, Timothy Fuhrman, would recognize Detective Trudy Cropper, West Valley City Police Department, at the Regular Council Meeting scheduled April 22, 2008, at 6:30 P.M.

**5. PUBLIC HEARINGS SCHEDULED APRIL 22, 2008**

**A. RECEIVE INPUT FROM THE PUBLIC REGARDING A PROPOSED PLEDGE OF CERTAIN OF THE CITY'S SALES AND USE TAX REVENUES**

Acting City Manager, Paul Isaac, stated a public hearing had been advertised for the Regular Council Meeting scheduled April 22, 2008, at 6:30 P.M., in order for the City Council to receive input from the public regarding a proposed pledge of certain of the City's sales and use tax revenues. He discussed proposed Resolution No. 08-107 to be considered by the City Council subsequent to the public hearing, as follows:

**RESOLUTION NO. 08-107, AUTHORIZING AND APPROVING A PLEDGE OF ITS SALES TAX REVENUES; AUTHORIZING THE EXECUTION BY THE CITY OF AN AMENDED AND RESTATED PLEDGE AND LOAN AGREEMENT AND ANY OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AUTHORIZING AND APPROVING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; PROVIDING A SEVERABILITY CLAUSE; REPEALING RESOLUTIONS IN**

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### **CONFLICT; PROVIDING AN EFFECTIVE DATE; AND RELATED MATTERS (*RESCHEDULED FROM APRIL 8, 2008*)**

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 08-107 which would authorize and approve a pledge of its sales tax revenues; authorize the execution by the City of an Amended and Restated Pledge and Loan Agreement and any other documents required in connection therewith; authorize and approve the taxing of all other actions necessary to the consummation of the transactions contemplated by this Resolution; provide a severability clause; repeal resolutions in conflict; provide an effective date; and related matters.

Mr. Isaac advised this matter had been rescheduled from the Regular Council Meeting held April 8, 2008.

The Acting City Manager stated the City, along with other parties, entered into an Interlocal Cooperative Agreement with UTOPIA dated as of March 5, 2002, for the purpose of (1) creating the Utah Telecommunication Open Infrastructure Agency as a separate legal entity; and (2) studying the feasibility of constructing and operating a telecommunications system that would provide high speed broadband voice, video, and data access for internal use by the members and to residential and commercial establishments, within the boundaries of the members on a wholesale basis.

Mr. Isaac reported UTOPIA had issued several series of bonds and anticipated issuing additional bonds or other forms of indebtedness in order to accomplish the acquisition, construction, and equipping of its network.

The Acting City Manager indicated it had become necessary to utilize alternative types of financing and the City had authority to finance an interest in improvements, facilities or property to be owned by the municipality or owner jointly by two or more municipalities, and to pledge all or any part of its sales and use taxes to finance said improvements, facilities, or property.

Mr. Isaac further reported in order to facilitate the financing of the acquisition, construction and equipping of the network thereby benefiting the City and its inhabitants, the Council had previously, and now desired to, pledge certain local sales and use tax funds received by the City, in order to assure the maintenance, in part, of the Debt Service Reserve Fund established under the Indenture, or to pay to UTOPIA the City's percentage share of the debt service obligation with respect to the bonds, all for the purpose of enhancing the marketability of the bonds issued or to be issued by UTOPIA under the Indenture.

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Acting City Manager, Paul Isaac, reminded the Council that Laura Lewis of Lewis Young Robertson Burningham, the City's financial advisor, had discussed the proposal in detail at the Council's Study Meeting held April 1, 2008.

Mr. Isaac answered questions from members of the City Council.

Councilmember Winder inquired if Council members had received an e-mail from the Utah Taxpayer's Association with a list of questions. Acting City Manager, Paul Isaac, requested the subject e-mail be forwarded to him to be given to UTOPIA for an appropriate response. Mr. Isaac also advised that representatives of UTOPIA would attend the scheduled public hearing on April 22, 2008.

Upon further discussion, Councilmembers individually shared comments received from constituents regarding UTOPIA, summarized as follows: concerns that the City had not received service commensurate with in-kind donations and pledge amount; the need to be able to reassure citizens that service would be available soon; some areas of the City were anxious to receive fiber optic services; this was a totally different package than the City Council originally "bought into" and information should be more open; concern with cost of residents to obtain the service; we are the "biggest dog in the fight" and West Valley City was supposed to be built-out sooner, but new business plan did not take care of the City and we should be restored to at least the original plan; suggestion the City exercise some power and influence in decisions yet to be made; very supportive of project, technology and financing but disturbed about how the City had been treated in scaling back the phases in the City; suggestion to make changes to building codes to require new subdivisions and other development to have conduit installed during construction; would like better communication with UTOPIA and more transparency with member cities; some residents had signed agreements with competitors which could affect prospective take rate regarding potential UTOPIA customers; UTOPIA did not seem to be aware of the tremendous growth in the western part of the City; would like to have staff prepare different scenarios and options regarding this issue and the impact on the City financially; we are not marketing experts but would like to see good faith effort to put West Valley City and its citizens "on the front burner."

Acting City Manager, Paul Isaac, stated delays had given competitors the opportunity to obtain new customers that could have gone with UTOPIA.

Mayor Nordfelt stated the issue was refinancing debt or the pledges of member cities would be called. Mayor Nordfelt recommended that he and the City Manager schedule a meeting with the Executive Director and Chair of the Executive Board of UTOPIA prior to the public hearing to express concerns of

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the City Council and make the City's position clear. The City Council concurred with the recommendation.

The City Council will hold a public hearing and consider proposed Resolution No. 08-107 at the Regular Council Meeting scheduled April 22, 2008, at 6:30 P.M.

6. **ORDINANCE NO. 08-21, AMEND SECTION 22-1-105 OF TITLE 22 OF THE WEST VALLEY CITY MUNICIPAL CODE REGARDING TRAFFIC ENFORCEMENT ON PRIVATELY OWNED ROADS**

Acting City Manager, Paul Isaac, discussed proposed Ordinance No. 08-21 which would amend Section 22-1-105 of Title 22 of the West Valley City Municipal Code regarding traffic enforcement on privately owned roads.

Mr. Isaac stated the ordinance currently allowed for enforcement of provisions of Title 22 on privately owned roads in the Lake Park Corporate Center. He further stated the amendment would also allow enforcement of those provisions in the Valley Fair Mall – Costco shopping complex, defined as the parking lot from 3500 South to 3800 South and from Constitution Boulevard (2700 West) to I-215 on the eastern edge.

The Acting City Manager reported the Police Department had been approached by management of the Valley Fair Mall regarding traffic problems in their parking lot affecting the safety of patrons. He further reported Mall management stated this had affected their ability to operate the businesses and could only effectively be resolved by giving law enforcement the ability to issue citations to offending parties. He stated, at the request of the Mall management, other businesses adjoining their property had also been approached and all business in the outlined area had given their written support for amending the City ordinance to allow enforcement of the City traffic ordinances on those private properties.

Mike Wells, Acting Police Chief, further reviewed the proposed Ordinance and answered questions from members of the City Council.

Mayor Nordfelt inquired regarding the need for enforcement and requested statistics to validate the actual need for the proposed ordinance. Councilmember Coleman stated enforcement of the proposed ordinance could result in a significant drain on City resources. Upon further discussion, members of the Council individually discussed the need for the proposed ordinance and stated there were other large retailers in the City with traffic issues that caused problems in their parking lots.

Acting City Manager, Paul Isaac, advised the subject ordinance had been drafted at the request of the Mall and some adjacent property owners.

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Mayor Nordfelt inquired regarding expectations of the business owners and the public.

Acting City Manager, Paul Isaac, stated he would have answers to the Council's questions and concerns at the next Council Study Meeting scheduled April 22, 2008.

The City Council will consider proposed Ordinance No. 08-21 at the Regular Council Meeting scheduled April 22, 2008, at 6:30 P.M.

7. **RESOLUTION NO. 08-125, APPROVE PURCHASE OF UPGRADED SOFTWARE FROM ACS GOVERNMENT SYSTEMS FOR THE CURRENT REPORTING SYSTEM USED BY THE FIRE DEPARTMENT**

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 08-125 which would approve purchase of upgraded software from ACS Government Systems for the current reporting system, in an amount not to exceed \$30,164.00, used by the Fire Department.

Mr. Isaac stated the proposed purchase of the upgraded software would allow the Department more functionality than currently available. He indicated the upgrade would assure each station and unit had the ability for inputting of all required reports. He also stated, with the new Federal standards for EMS reporting, the subject system would assure compliance with those standards.

The Acting City Manager reported the Fire Department had utilized the Firehouse Software for about 10 years. He stated that system provided the Department with the ability to not only input reports but also gain valuable reports and statistics on fire operations. He reported the new version, being web based, would allow completion of reports in the field by the units. He indicated this would cut down the time of inputting reports at the station. He also stated the order would also include the company setting up the initial system and some onsite training.

Fire Chief, John Evans, further reviewed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 08-125 at the Regular Council Meeting scheduled April 22, 2008, at 6:30 P.M.

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### **8. COMMUNICATIONS:**

#### **A. COUNCIL UPDATE**

Acting City Manager, Paul Isaac, stated the City Council had previously received a Memorandum outlining upcoming meetings and events as follows: April 19, 2008: West Valley Walking Tour 2008 at Centennial Park Trail System, 8:00 A.M.; April 22, 2008: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; April 24, 2008: ChamberWest General Membership Meeting, Speaker: David Spalding, Rocky Mountain Power – Summer Energy Savings, E-Center, 11:45 A.M.; April 29, 2008: Special Study Meeting, 4:30 P.M.; April 30, 2008: Annual Banquet for Harman Home Volunteers, 5:00 P.M.; May 6, 2008: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; May 9, 2008: Hunter Council PTA Barbeque, West View Park, 4100 South 6000 West 11:30 A.M.; May 17, 2008: West Valley Walking Tour 2008 at Utah and Salt Lake Canal Trail, 8:00 A.M.; May 19, 2008: Annual Police Awards Banquet, 12 Noon, UCCC; May 20, 2008: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; May 26, 2008: Memorial Day Holiday – City Hall closed; May 27, 2008: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; June 3, 2008: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; June 10, 2008: Council Study Meeting at UCCC, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; June 17, 2008: Council Study Meeting at UCCC, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; June 24, 2008: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; June 28, 2008: WestFest 5K Run/Walk; July 1, 2008: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; July 4, 2008: Independence Day Holiday – City Hall closed; July 8, 2008: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; July 15, 2008: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; July 19, 2008: West Valley Walking Tour 2008 at Lake Park Trail System, 8:00 A.M.; July 22, 2008: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; July 24, 2008: Pioneer Day Holiday – City Hall closed; August 4, 2008: Neighborhood Nights Kick Off Event, UCCC, 5:00 P.M. – 7:00 P.M.; August 5, 2008: National Night Out Block Parties, Various Locations, 6:00 P.M. – 10:00 P.M.; August 16, 2008: West Valley Walking Tour 2008 – Night Walk at West Ridge Golf Course, 10:00 P.M.; August 18, 2008: Neighborhood Nights: Family Safety Fair, Family Fitness Center, 5:00 P.M. – 7:00 P.M.; September 1, 2008: Labor Day Holiday – City Hall closed; September 20, 2008: West Valley Walking Tour 2008 at Decker Lake Trail, 8:00 A.M.; October 11, 2008: West Valley Walking Tour 2008 – Hunter Village and Sugar Plum Trails, 8:00 A.M.; November 22, 2008: Turkey Trot 5K Run/Walk at Centennial Park; and December 1, 2008: Walk with Santa at Centennial Park, 6:00 P.M.

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Mayor Nordfelt noted a Special Study Meeting had been scheduled on April 29, 2008, at 4:30 P.M. to facilitate a detailed review and discussion regarding the Fiscal Year 2008-2009 Proposed Budget.

### **9. COUNCIL REPORTS**

#### **A. COUNCILMEMBER COREY RUSHTON – RECYCLING TIPS**

Councilmember Rushton discussed recycling tips he learned at the ULCT conference the previous week. He stated a company was looking to establish an electronics recycling facility in West Valley City.

#### **B. COUNCILMEMBER RUSS BROOKS – ULCT CONFERENCE AND WATER CONSERVATION ISSUES**

Councilmember Brooks stated the recent ULCT Conference had been worthwhile and he discussed a presentation regarding some human resource issues and videos available for purchase. He indicated this would be good training for City employees. He also forwarded the information along to the Acting City Manager. Mayor Nordfelt suggested the City purchase the books and videos.

Councilmember Brooks also discussed water conservation measures implemented by other cities and suggested West Valley City look into programs that would encourage citizens to conserve water.

#### **C. COUNCILMEMBER STEVE VINCENT – FEEDBACK REGARDING CITY'S RECYCLING PROGRAM**

Councilmember Vincent inquired if ACE Disposal had received feedback regarding the City's recycling program. He also inquired regarding any comments received from citizens regarding the need to pick up recycling every week rather than bi-weekly. Public Works Director, Russell Willardson, discussed feedback received from ACE. Mr. Willardson advised he would review and discuss the costs regarding weekly collection versus bi-weekly collection with ACE.

#### **D. COUNCILMEMBER CAROLYNN BURT – HISTORICAL SOCIETY AND CHINESE GATE PROPOSAL**

Councilmember Burt discussed an e-mail received from the Historical Society inquiring about a founder's monument proposal. Acting City Manager, Paul Isaac, clarified the proposal should be prepared by the Historical Society and submitted to CAB for consideration.

Acting City Manager, Paul Isaac, also discussed the Chinese Gate proposed to be constructed on the Utah Cultural Celebration Center (UCCC) property. Mayor Nordfelt suggested not making decisions regarding either project prior to receiving the RFP's from developers regarding the Jordan River Market Place

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project. Acting City Manager, Paul Isaac, stated he would suggest to CAB that written policies be developed regarding these types of projects and/or proposals.

**E. COUNCILMEMBER MIKE WINDER – ULCT CONFERENCE**

Councilmember Winder discussed workshops he attended at the recent ULCT Conference and the efficiencies created by “going green.” He inquired if the City was doing all possible in that regard, as it would definitely save money. Acting City Manager, Paul Isaac, stated he would pass long the information to the City Manager for further consideration.

Councilmember Winder expressed appreciation to Councilmember Coleman for forwarding an article regarding building height requirements of other cities. Councilmember Winder also discussed a national trend in which people wanted to have an urban experience close to home and stated that concept should be kept in mind when developing the City Center area project.

**THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE STUDY MEETING OF TUESDAY, APRIL 15, 2008, WAS ADJOURNED AT 5:54 P.M., BY MAYOR NORDFELT.**

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Study Meeting of the West Valley City Council held Tuesday, April 15, 2008.

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Sheri McKendrick, MMC  
City Recorder

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